



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JAN 02 2001

Honorable Mitch McConnell
United States Senator
Washington, DC 20510-2541

Dear Senator McConnell:

Thank you for your December 6, 2000, letter on behalf of your constituent, Freddie L. Travis, who expressed concern about Simpson and Warren Counties being designated as nonattainment for ozone and about the revised air quality standards and new monitoring methods.

In July of 1997, in light of new health studies on the effects of ozone, the Environmental Protection Agency (EPA) promulgated an 8-hour ozone National Ambient Air Quality Standard (NAAQS). On May 14, 1999, the United States Court of Appeals for the District of Columbia Circuit issued a ruling that placed limits on EPA's ability to enforce the 8-hour ozone NAAQS. The decision did not, however, relieve the Agency of the obligation to designate areas as attainment/unclassifiable or nonattainment under the 8-hour ozone NAAQS, nor did it question the scientific basis or need for the standard. EPA appealed the decision to the United States Supreme Court and oral arguments were heard on November 7, 2000. A final decision is expected in late spring 2001.

On March 28, 2000, EPA issued guidance for states to use in developing recommendations on attainment/unclassifiable and nonattainment area designation under the 8-hour ozone standard. The guidance requested that Governors provide the EPA Regional Office with recommendations for designations under the 8-hour ozone NAAQS for all areas within the state by June 30, 2000. The guidance establishes the metropolitan statistical area (MSA) or the consolidated MSA (CMSA) as the presumptive nonattainment area boundary for areas with monitors recording ozone levels in violation of the 8-hour NAAQS. In rural counties with a monitor measuring an 8-hour ozone NAAQS violation, the county is the presumptive nonattainment area boundary. Governor Patton recommended to EPA that both Simpson and Warren Counties be designated as nonattainment for the 8-hour ozone NAAQS in a letter dated June 19, 2000. However, no nonattainment designations have yet been made. EPA is reviewing the Commonwealth's recommendations to ensure that the appropriate areas are designated for the new ozone standard. The review process is currently continuing, however, Congress has instructed EPA not to make designations prior to June 15, 2001, or the Supreme Court's final ruling on the standard, whichever comes first. Therefore, the Agency will not make designations prior to the time specified by Congress.

The monitoring method for ozone was not changed for the new 8-hour ozone NAAQS. The method for determining the attainment status of the ozone monitor for the revised ozone NAAQS is based on an 8-hour averaging time rather than a 1-hour averaging time. For the

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revised particulate matter NAAQS (PM_{2.5}), a new monitoring method was developed and as such new instrumentation was required to be deployed in the field. However, the methodology for collecting data for the 8-hour ozone NAAQS remains the same as that for the 1-hour ozone NAAQS; and thus, EPA continues to employ this scientifically sound and proven method for the revised ozone NAAQS.

Although there are economic costs associated with solving the ozone problem facing this area of Kentucky, the public health implications of ozone must be recognized. The EPA's recent review of thousands of independent, scientific studies regarding ozone indicates that serious health effects are occurring at levels below the previous ozone NAAQS. Revision of the standard to a level that guarantees adequate health protection is the best way of assuring continued progress toward cleaner, healthier air. While EPA recognizes that the economic costs of achieving clean air, the costs from health-related effects caused by breathing unhealthy air must also be considered. The Clean Air Act mandates EPA to consider only public health when reviewing and updating the NAAQS. However, the EPA is required to consider costs and economic impacts when determining how best to implement any new NAAQS. These factors will be considered as EPA develops the implementation guidance for the revised NAAQS.

If I may be of further assistance, please feel free to contact me or the Office of External Affairs at (404) 562-8327.

Sincerely,



John H. Hankinson, Jr.
Regional Administrator



MITCH McCONNELL
KENTUCKY

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United States Senate

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FOREIGN OPERATIONS

December 6, 2000

Carol M. Browner
Administrator
Environmental Protection Agency
401 M Street SW
Washington, D.C. 20460

Dear Administrator Browner:

I am writing on behalf of a constituent who is concerned about the EPA's recent change in air quality standards which has led to the designation of both Simpson and Warren counties as "non-attainment" areas. I would appreciate your review of his concerns.

I have enclosed a copy of the correspondence for your convenience. Please direct any inquiries and all relevant information to Brytt Deye, in my Washington, D.C. office.

Thank you for your time and consideration. I will look forward to your response.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/bmd



Freddie L. Travis

BARREN COUNTY JUDGE/EXECUTIVE

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Glasgow KY 42142-0129

November 13, 2000

**Senator Mitchell McConnell
United States Senate
361-A Senate Russell Office Building
Washington, DC 20510**

Dear Senator McConnell:

One of the most pressing issues affecting our area, as well as the entire Commonwealth, is the EPA's recent change in air quality standards. As a result of the agency's changes in monitoring ozone, two of the counties in our region, Simpson and Warren, have been designated "non-attainment" areas. These two counties are major engines of economic activity for our entire region. The non-attainment status of these two counties will have a severely negative impact on the economic development of our entire region.

As a member of the recently formed South Central Kentucky Regional Alliance, we are asking for your diligent efforts to work with Congress to reverse the EPA's extreme standards on air quality. The previous methodology of monitoring ozone was adequate oversight and provided us with a good benchmark of air quality that would insure a safe environment. The new standards and monitoring methodology have no basis in research and/or adequate evaluation criteria. The EPA seems to have arbitrarily set new criteria without adequate proof of the need to do so.

The South Central Kentucky Regional Alliance is actively working to enhance the economic vitality and viability of our area. We want to attain the tremendous goals you have set forth for the entire Commonwealth that includes increasing the per capita income of our citizens. With the air quality standards changes brought about by the EPA, we have been negatively impacted and greatly limited in our efforts to achieve your benchmarks.

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Again, we urge you to work with the President, Congress, and the EPA to reverse the recent changes made in air quality standards and monitoring. Your assistance will be greatly appreciated and have a tremendous impact on our continued positive growth in South Central Kentucky.

Very sincerely yours,

F. L. Travis

**Freddie L. Travis
Barren County Judge/Executive**

FLT/sjj